



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 17, 2023

Lijo Antony
Walnut Creek Living, LLC
2695 Powderhorn Ridge Rd.
Rochester Hills, MI 48309

RE: License #: AS500378610
Investigation #: 2023A0604010
Walnut Creek Life, LLC

Dear Mr. Antony:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days. Failure to submit an acceptable corrective action plan will result in disciplinary action.

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (248) 975-5053.

Sincerely,

A handwritten signature in cursive script that reads "Kristine Cilluffo".

Kristine Cilluffo, Licensing Consultant
Bureau of Community and Health Systems
Cadillac Place
3026 West Grand Blvd Ste 9-100
Detroit, MI 48202
(248) 285-1703

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #:	AS500378610
Investigation #:	2023A0604010
Complaint Receipt Date:	01/26/2023
Investigation Initiation Date:	01/26/2023
Report Due Date:	03/27/2023
Licensee Name:	Walnut Creek Living, LLC
Licensee Address:	2695 Powderhorn Ridge Rd. Rochester Hills, MI 48309
Licensee Telephone #:	(248) 568-7194
Administrator:	Lijo Antony
Licensee Designee:	Lijo Antony
Name of Facility:	Walnut Creek Life, LLC
Facility Address:	47848 Beacon Square Dr Macomb Twp, MI 48044
Facility Telephone #:	(586) 961-6168
Original Issuance Date:	10/01/2015
License Status:	REGULAR
Effective Date:	04/01/2022
Expiration Date:	03/31/2024
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED AGED TRAUMATICALLY BRAIN INJURED ALZHEIMERS

II. ALLEGATION(S)

	Violation Established?
Macomb Township will be issuing citation. Owner, Lijo Antony, has refused to put handrails on ramp behind home.	Yes
Additional Findings	Yes

III. METHODOLOGY

01/26/2023	Special Investigation Intake 2023A0604010
01/26/2023	Special Investigation Initiated - Telephone TC Macomb Township Ordinance Enforcement Officer, David Taylor. Lijo Antony has refused to put handrail on ramp behind home. They will be going to court for misdemeanor citation. Mr. Taylor will fax over documentation.
01/26/2023	Contact- Document Received Received fax from David Taylor with copy of ticket and contacts.
01/27/2023	Inspection Completed On-site Completed unannounced onsite investigation. Interviewed Staff, Michelle Chisnell and observed ramp.
01/27/2023	Contact - Telephone call received Returned call from Lijo Antony.
02/10/2023	Contact - Document Sent Email to Lijo Antony.
02/10/2023	Contact - Document Received Received return email from Lijo Antony. Stated his lawyers are at court now and will have update soon.
03/06/2023	Contact - Document Sent Email to Lijo Antony
03/06/2023	Contact - Document Received Email from Lijo Antony. Hearing scheduled for 04/14/2023

03/14/2023	Contact - Document Sent Email to Macomb Township, David Taylor
03/15/2023	Contact - Document Received Email from David Taylor. No changes made to handrails.
03/17/2023	Contact- Document Sent Email to Lijo Antony. Received return email.
03/17/2023	Exit Conference Completed exit conference by phone with Lijo Antony

ALLEGATION:

Macomb Township will be issuing citation. Owner, Lijo Antony, has refused to put handrails on ramp behind home.

INVESTIGATION:

On 01/26/2023, I opened a special investigation based on information received regarding citation being issued for ramp at Walnut Creek.

On 01/26/2023, I spoke to David Taylor, Macomb County Ordinance Enforcement Officer by phone. Mr. Taylor informed me that he would be issuing a citation as Owner, Lijo Antony, has failed to cooperate and complete handrails on ramp off deck. The ramp is located behind the home. Mr. Taylor stated that the issue has not been corrected since 2015. Macomb County began asking Mr. Antony to fix the issue again in 2018. This is a misdemeanor citation.

On 01/26/2023, I received fax from David Taylor. I received copy of ticket and contacts. The ticket dated 01/26/2023 indicated Mr. Antony is in violation of building code 2015 MRC R311.8.3 and has failed to obtain final approval on deck. The ticket indicated that Mr. Antony must appear at court within in 10 days. The contacts indicated that Mr. Antony had been contacted by the Macomb Township Building Department on 10/12/2022, 10/24/2022, 11/15/2022, 11/28/2022, 01/05/2023, 01/09/2023 and 01/25/2023 regarding ramp. Written notices were also provided on 09/28/2022 and 11/01/2022.

On 01/27/2023, I completed an unannounced onsite investigation. I interviewed Staff, Michelle Chisnell. Ms. Chisnell stated that she was filling in for another staff at Walnut Creek and typically works at another facility. She agreed for me to observe the deck and ramp at back of home. During the onsite investigation, I observed the ramp and took pictures. The ramp is located off the right side of the back deck. I observed that there are handrails on the ramp up until approximately the last four to five feet of ramp. The end section of ramp has open sides.

On 01/27/2023, I returned call from Licensee Designee, Lijo Antony. Mr. Antony stated that the home's previous owner had an open permit since 2015. He did not purchase the home until 2018. Mr. Antony stated that the ramp was previously approved by licensing. He also indicated that a building inspector had made an offensive comment during inspection. Mr. Antony stated that his lawyers would be handling the citation. On 02/10/2023, I received an email from Mr. Antony. He stated that his lawyers were at court, and he would provide an update. On 03/06/2023, I received an email from Mr. Antony. He indicated that the hearing is scheduled for 04/14/2023 and in the meantime, the township is going to work with him to fix this.

On 03/15/2023, I received an email from David Taylor. Mr. Taylor indicated that no changes have occurred regarding the handrails that are required. He also stated that no follow up inspection has been scheduled.

APPLICABLE RULE	
R 400.14509	Means of egress; wheelchairs.
	(2) The slope of ramp shall not be more than 1 foot of rise in 12 feet of run and shall terminate on a firm surface or solid unobstructed ground which will allow the wheelchair occupant to move a safe distance away from the building. Ramps shall have handrails on the open sides and be constructed in accordance with the requirements specified in Section 816.0 of the BOCA National Building Code, 1990, eleventh edition.
ANALYSIS:	On 01/26/2023, Licensee Designee, Lijo Antony, was issued a citation by Macomb Township as he has not received a final approval on the deck. The deck is not in compliance with Building Rule 2015 MRC R311.8.3 as the end portion of the ramp, located off the right side of the deck, does not have handrails on open sides. Mr. Antony indicated that a hearing has been scheduled for 04/14/2023.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

On 01/27/2023, I completed an unannounced onsite investigation at approximately 12:00 pm. During the onsite investigation, I observed the deck and ramp that is located off the back of the home. I observed that the ramp was covered with about three to four inches of snow. This route is one of the two required means of egress, equipped with ramps, for residents who require wheelchairs.

I completed an exit conference by phone and email with Licensee Designee, Lijo Antony on 03/17/2023. I informed Mr. Antony of violations found and that a corrective action plan would be requested. He does not agree with being cited as the ramp was previously approved by licensing. He indicated that a trial is already scheduled for 04/14/2023 and the ramp is scheduled to be replaced on 03/28/2023. Mr. Antony indicated that he was given written descriptions of the ramp requirements and is fixing by replacing the whole ramp. Mr. Antony indicated that he cannot be cited for something the state has already approved once and again on multiple renewals. I informed Mr. Antony that I would inform management of his concerns. Mr. Antony stated that he also spoke with snow removal company. He indicated that they typically clear back deck, however, person who usually removes snow was out with COVID.

APPLICABLE RULE	
R 400.14403	Maintenance of premises.
	(12) Sidewalks, fire escape routes, and entrances shall be reasonably free of hazards, such as ice, snow, and debris.
ANALYSIS:	On 01/27/2023, I completed an unannounced onsite investigation. I observed that the back ramp was covered with approximately three to four issues of snow creating a potential hazard.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Contingent upon receipt of an acceptable corrective action plan, I recommend no change in license status.



03/17/2023

Kristine Cilluffo
Licensing Consultant

Date

Approved By:



03/17/2023

Denise Y. Nunn
Area Manager

Date